

CERE-RP (405)

27 November 1995

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy Memorandum 96-1, Appeal Deadlines

1. The Secretary of Defense delegated the responsibility to the Secretary of the Army to establish and maintain an appeals procedure for the Homeowners Assistance Program, (DOD Directive 4165.50, Section E.3.k.).
2. AR 405-16, Section II, 5.m., further delegated to the Chief of Engineers the responsibility to establish and maintain an appeals procedure.
3. The appeals procedure is delineated in ER 405-1-12, Chapter 7, Section X, 7-43. Paragraph a(1), specifies an applicant may file an appeal from a decision denying the application, or when the applicant believes there is an error, contrary to fact or not in conformity with the provisions of the Public Law 89-754 (Act). Section 7-44(3) grants a period of 180 days to the applicant to file an appeal.
4. The time limitation of 180 days is policy. It is not contrary to fact, or any nonconformity with the provisions of the Act. Additionally, it is not involved in the decision to deny the application, therefore, no authority is granted to the applicant to appeal the 180 day time limitation.

FOR THE DIRECTOR:

15/
DON C. CHAPMAN
Chief, Realty Services Division
Directorate of Real Estate

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DISTRIBUTION (Continued)

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